226919 - Ruling on regarding mut`ah marriage as permissible; does that put a person beyond the bounds of Islam?

the question

There is someone who is Sunni and Salafi, but he thinks that mut`ah marriage is permissible. Does that put him beyond the bounds of Islam, or is he only sinning?

Summary of answer

Mut`ah marriage is a prohibited and invalid kind of marriage. Scholarly consensus settled on prohibiting it, and anyone who regards it as permissible should be told about the reports from the Messenger of Allah (blessings and peace of Allah be upon him) which clearly state that it is prohibited. If he insists on his view on the basis of some specious argument or misinterpretation of the text, then he is misguided and wrong regarding this matter, but he is not to be deemed a disbeliever, and that does not put him beyond the bounds of Islam. Please see the long answer.

Detailed answer

Firstly:

Mut`ah marriage is one of the kinds of marriage that are invalid. This has been explained previously in the answer to question no. 20738, in which we refuted those who say that it is permissible.

Secondly:

It is not permissible to take the matter of deeming a Muslim to be a disbeliever lightly, because of what that involves of fabricating lies against Allah, may He be Glorified, and against the Muslims. If someone is a Muslim who is proven to be a Muslim, that description of being a Muslim cannot be taken away from him because of mere suspicion; rather it cannot be taken away from him except on the basis of certainty, which means being certain that proof is established against him to the extent that he has no excuse after that. This is what the scholars

describe as the conditions for deeming someone to be a disbeliever being met and the impediments to doing so being absent.

One of those conditions is that he should be aware of his infraction that led to him being deemed to be a disbeliever.

The impediments to that include: his misinterpreting the religious texts, or having some specious argument that he thinks is sound evidence, or he is unable to understand the textual evidence properly.

Deeming someone to be a disbeliever cannot be done except after establishing that the person is deliberately committing this infraction and verifying that he is not unaware of the matter in question as a result of which a person may be deemed to be a disbeliever.

For more information on the guidelines on deeming someone to be a disbeliever, please see the answer to question no. 85102.

Undoubtedly any Sunni who thinks that mut`ah marriage is permissible must be basing that on some kind of specious argument and misinterpretation of the religious texts, because some of the earlier scholars regarded it as permissible and some of them regarded it as disliked (but not prohibited), then after that consensus was established that it is prohibited.

Ibn al-Mundhir (may Allah have mercy on him) said: I do not know of anyone today who regards mut`ah marriage as permissible except some of the Rafidis. Any view that is contrary to the Book of Allah and the Sunnah of His Messenger carries no weight.(*Al-Awsat*, 8/422).

Al-Qadi `Iyad (may Allah have mercy on him) said:

It is proven that mut`ah marriage was permitted at the beginning of Islam, then it is proven that it was abrogated by what is mentioned in the hadiths in this book and others, and scholarly consensus settled on prohibiting it.(*Ikmal al-Mu`allim*, 4/275).

Ibn al-Qattan (may Allah have mercy on him) said:

The leading scholars of the regions, ahl ar-ra'y, and the scholars of hadith, in Egypt, the Maghreb and Syria, are agreed on the prohibition of mut`ah marriage, because the Messenger of Allah (blessings and peace of Allah be upon him) forbade it.(*Al-Iqna` fi Masa'il al-Ijma`*, 2/17).

Even though these views and opinions that are found in reports from earlier scholars are to be rejected and are contrary to the sound and definitive view that is based on the Sunnah of the Prophet (blessings and peace of Allah be upon him), the scholars who held such views are to be excused on the grounds that reports of the Prophet's prohibition of mut`ah marriage did not reach them. However, there is still some sort of misunderstanding about the matter which makes it impermissible to carry out some Islamic rulings on those who engage in mut`ah or regard it as permissible.

That is also indicated by the fact that some scholars think that mut`ah marriage is one of the kinds of marriage concerning which there is a difference of scholarly opinion, based on misinterpretation of a report, therefore the hadd punishment for zina is not to be carried out, because there is some misunderstanding regarding this issue, and hadd punishments are not to be carried out when there is some misunderstanding. So if the hadd punishment is warded off in the case of misunderstanding, it is more appropriate to say that the accusation of disbelief should also be warded off, because accusation of disbelief requires one to be extra cautious in a way that is not required with regard to other issues. It says in *Al-Mughni* by Ibn Qudamah (9/57): The hadd punishment for unlawful intercourse should not be carried out in the case of a type of marriage that is subject to differences of scholarly opinion, such as mut`ah marriage, shighar marriage [quid pro quo marriage, in which it is stipulated that each man will marry the daughter, sister or ward of the other, whether there is any mahr or not], tahlil marriage [in which a man marries an irrevocably-divorced woman then divorces her so that she can go back to the first husband], marriage without a guardian or witnesses, marriage of a woman during the `iddah of her divorced sister, marriage of a fifth wife during the `iddah of the fourth wife, and marriage to a Zoroastrian woman. This is the view of most of the scholars, because there is some misunderstanding about the difference of opinion as to whether intercourse is permissible in these cases, and the hadd punishments are warded off by misunderstandings.

Ibn al-Mundhir said: All of the scholars from whom we acquired knowledge are unanimously agreed that the hadd punishments are warded off by ambiguity. End quote.

Conclusion: Mut`ah marriage is a prohibited and invalid kind of marriage. Scholarly consensus settled on prohibiting it, and anyone who regards it as permissible should be told about the reports from the Messenger of Allah (blessings and peace of Allah be upon him) which clearly state that it is prohibited. If he insists on his view on the basis of some specious argument or misinterpretation of the text, then he is misguided and wrong regarding this matter, but he is not to be deemed a disbeliever, and that does not put him beyond the bounds of Islam.

However, if the hadiths of the Messenger of Allah (blessings and peace of Allah be upon him) reached him and he was aware of them and convinced of them, but persisted in rejecting them on the basis of whims and desires, and he does not take the words of the Messenger of Allah (blessings and peace of Allah be upon him) seriously, and does not want to adhere to his ruling, then he is a disbeliever who has gone beyond the bounds of Islam, because rejecting the shar`i ruling constitutes disbelief according to the consensus of the Muslim scholars. But it is difficult to imagine that this could be the case of someone who is said to be a Sunni, unless he became a disbeliever after having been a believer. We ask Allah to keep us safe and sound and make us steadfast.

And Allah knows best.